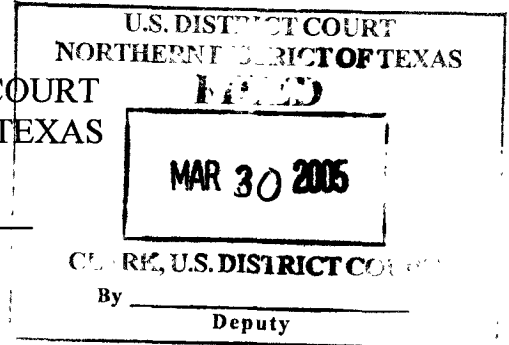


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



UNITED STATES OF AMERICA

§

§

v.

§

NO. 4:05-CR-040-Y

§

DOUGLAS SOVEREIGN SMITH, JR.

§

FACTUAL RESUME

INFORMATION: Guilty plea to sole Count:
Receipt and Distribution of Child Pornography;
18 U.S.C. §§ 2252A (a)(2)(A) & (b)(1), and 3583(k)

PENALTY: A. imprisonment of not less than 5 years, nor more than 20 years;
B. a possible fine not to exceed \$250,000;
C. supervised release of any term of years or Life. If defendant violates any condition of supervised release, the Court may revoke the supervised release and require the defendant to serve an additional period of confinement;
D. a mandatory special assessment of \$100.00.

ESSENTIAL ELEMENTS
OF THE OFFENSE:

In order to establish the offense alleged in the information, the government must prove the following elements beyond a reasonable doubt:
That on or about the date and location alleged in the information,

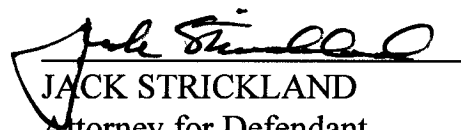
1. The defendant knowingly received or distributed an image of child pornography;
2. This image of child pornography is a computer image that is, or is indistinguishable from, a minor, under the age of 18 years, engaging in sexually explicit conduct;
3. This image of child pornography was transported in interstate or foreign commerce by utilizing a computer and the internet.

STIPULATION
OF FACTS:

1. In November of 2003, German police officers executed a search warrant on the Duesseldorf home of a German man suspected of trafficking in child pornography over the internet. German police seized the man's computers and performed a forensic examination of them. The examination revealed, among other evidence, images of child pornography embedded in multiple e-mails received by the man, and which had also been sent to several other e-mail addresses in America. German police went undercover online, posing as the arrested German man, and received many e-mails from America containing child pornography.
2. The German police forwarded the information they had gathered on the American e-mail addresses to Immigration and Customs Enforcement (ICE) officials in America. ICE determined that one of the e-mail addresses which had received images of child pornography was registered to the defendant, Douglas Sovereign Smith, Jr., who lived at 2306 Woodmoor Lane, Colleyville, Texas. The defendant had used at least one computer in this house to receive, store, and distribute images of child pornography.
3. On February 3, 2005, a United States Magistrate Judge issued a search warrant commanding America On Line (AOL) to produce electronically stored data for the defendant's AOL e-mail account. Recently sent e-mail attachments found on the defendant's AOL account revealed multiple images in video format of males under the age of 18 years engaged in sexually explicit conduct.
4. On February 17, 2005, a United States Magistrate Judge issued a search warrant for the defendant's house at 2306 Woodmoor Lane, Colleyville, Texas. The search warrant was executed on February 22, 2005, and ICE agents found and seized the defendant's computers and computer discs. A forensic analysis was performed on the defendant's computers and computer discs, revealing a total of 520 images of child pornography, including video clips. The child pornography depicted males under the age of 18 engaged in sexually explicit conduct. Among these pornographic images were sexually explicit depictions of actual and known prepubescent males under the age of 12 years.
5. All of these images of child pornography traveled through interstate commerce via the internet before being received by the defendant using his computer. The defendant stored the child pornography in his computer, computer discs, and AOL e-mail account, and then distributed the images to others over the internet.

SIGNED on this the 25th day of March, 2005.


DOUGLAS SOVEREIGN SMITH, JR.
Defendant


JACK STRICKLAND
Attorney for Defendant
State Bar of Texas No. 19397000